

**MINUTES**  
**South Carolina Board of Registration for Professional Engineers and Surveyors**  
**9:30 a.m., November 10, 2020**  
***Videoconference Meeting***

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**Call to Order**

Chairperson Peeples called the meeting to order at 9:33 a.m.

**Statement of Public Notice**

Chairperson Peeples stated that public notice of this meeting was properly posted at the South Carolina State Board of Registration for Professional Engineers and Surveyors Office, Synergy Business Park, Kingstree Building, on the Board's website, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

**Introduction of Board Members and Other Persons Attending**

Board members participating included Dr. Johnston Peeples, Ph.D., PE, Chairperson; Jimmy Chao, PE, Vice-Chairperson; Henry Dingle, Jr., PLS, Secretary; Gene L. Dinkins, PE, PLS; Dr. Dennis J. Fallon, Ph.D., PE; Timothy Rickborn, PE; D. Mack Kelly, Jr., PE, PLS; and Baker Cleveland.

Staff members participating included: Lenora Addison-Miles, Administrator; Stacey Hewson, Esq., Office of Advice Counsel; Donnell Jennings, Esq., Office of Disciplinary Counsel; Rodney Pigford, and Christa Bell, Office of Investigations and Enforcement.

Others participating included: Allison King, Adam Jones, Brian Bonds, Derek Bradner, James Cook, Jeffery Buckalew, Edward Jackson, Leilany Benejam, Gregory Hodges, Kimberly Hearl, Ayushi Tiwari, James McKelvey, and Katherine Boone (Creel Court Reporting).

**Approval of Meeting Minutes**

The board reviewed the minutes from the September 22, 2020 meeting.

**MOTION:** To approve minutes. Chao/Fallon/approved.

**Approval of Excused Absences**

All members present.

**Review and Approval of Agenda**

To move agenda item 10e. (Witherspoon) before 10d. (Cook).

**MOTION:** To approve agenda as amended. Dinkins/Chao/approved.

**Reports**

- a. Mr. Pigford presented the OIE report. From January 1, 2020 through November 9, 2020: 73 complaints received, 26 active investigations, 10 cases closed. The average age of investigations is 90 business days.

- b. Mr. Pigford presented the IRC reports. The committee met on October 27, 2020 with the following recommendations: Dismiss cases 2020-2, 2020-9, 2020-10; Formal Complaints for cases 2020-7, 2020-25.

**MOTION:** To accept October 27<sup>th</sup> IRC report. Rickborn/Dingle/approved.

- c. Mr. Jennings presented the ODC report. As of November 2, 2020, there are 45 open cases, 14 cases are pending actions, 24 cases are pending CA/MOA, and seven are pending hearings.
- d. Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of October 27, 2020, a total of 17,561 engineers, 892 surveyors, and 113 dual licensees registered through June 30, 2022. There are 3,540 firms and 1,107 branch offices current through March 31, 2021. Meeting materials also contain information regarding the number of in-state and out-of-state early PE/PS exam candidates by year. The NCEES CBT Summary for the current testing window (October – December) shows 201 FE, three FS, 38 PE, and two PS exams scheduled. We have received 2,012 Early PE exam applications and 1,231 have passed the exam. There have been 11 Early PS applications and five have passed. There were five candidates for the November 6<sup>th</sup> State Specific Surveying Exam and one candidate passed. The September cash balance was \$4,330,357.46. The Education and Research Fund balance was \$537,818.22.

#### **Funding Request**

The Board reviewed a funding request for the SCSPE Fall Symposium to be held November 11 & 18. The event will be held by virtual learning management system and Zoom.

**MOTION:** To approve \$5,000 request. Dinkins/Rickborn/approved.

#### **Hearing Officer Recommendations:**

- a. Brian Melson – Case 2019-10: The Board reviewed the hearing officer recommendation. Mr. Melson was not present. This matter was recorded by a court reporter to provide a verbatim script should one be necessary. Mr. Kelly was recused from this matter.

**MOTION:** To enter executive session for legal advice. Chao/Rickborn/approved.

**MOTION:** To exit executive session. Rickborn/Chao/approved.

**MOTION:** To accept MOA. Conclusion of Law item 2 is amended to add that the Board accepts respondent’s explanation but the log itself is insufficient and his documentation failed to include all information required by the Board per Regulation 49-610. Cleveland/Dinkins/approved.

- b. Nelson Hardwick – Case 2019-68: The Board reviewed the hearing officer recommendation. Mr. Hardwick was not present. This matter was recorded by a court reporter to provide a verbatim script should one be necessary. Kelly and Dinkins were recused from this matter.

**MOTION:** To accept MOA. Fallon/Rickborn/approved.

- c. Robert Medford – Case 2018-28: The Board reviewed the hearing officer recommendation. Mr. Medford was not present. This matter was recorded by a court reporter to provide a verbatim script should one be necessary. Dinkins was recused from this matter.

**MOTION:** To accept MOA. Fallon/Dingle/approved.

- d. Jack C. Cook, III – Case 2019-50: The Board reviewed the hearing officer recommendation. Mr. Cook was not present. This matter was recorded by a court reporter to provide a verbatim script should one be necessary. Dinkins was recused from this matter.

**MOTION:** To enter executive session for legal advice. Rickborn/Chao/approved.

**MOTION:** To exit executive session. Chao/Cleveland/approved.

**MOTION:** To reject the recommendation. Accept the MOA and issue a public reprimand, \$500 fine and \$80 in investigative costs. Rickborn/Chao/Fallon/Peeples/approved. Dingle, Cleveland, and Kelly opposed.

- e. W. Tom Witherspoon – Case 2019-49: The Board reviewed the hearing officer recommendation. Mr. Witherspoon was not present. This matter was recorded by a court reporter to provide a verbatim script should one be necessary. Dinkins was recused from this matter.

**MOTION:** To accept MOA. Issue a \$580 fine and public reprimand.

**Application Hearings:**

- a. John D. Bradner appeared before the board to request a waiver of the 12-hour surveyor education requirement. Mr. Bradner was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To deny request. Must meet the requirements of Section 40-22-225(C). Dinkins/Kelly/approved. Fallon and Dingle opposed.

- b. James W. Cook appeared before the board to request licensure by comity with a technology degree. Mr. Cook was not represented by counsel. Jeffery Buckalew served as a witness. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

**MOTION:** To deny request for licensure. Does not have enough experience as required by law. Chao/Rickborn/approved.

- c. Edward W. Jackson appeared before the board for an application hearing. Mr. Jackson was not represented by counsel. Leilany Benejam served as a witness. This matter was recorded by a court reporter to provide a verbatim script should one be necessary. It was noted for the record that Mr. Chao instructed the application as a student.

**MOTION:** To accept work experience based on the applicant's testimony of his experience. Dinkins/Fallon/approved. Kelly opposed.

- d. Gregory Hodges appeared before the board for a renewal application hearing. He was not represented by counsel. Kimberly Hearl served as a witness. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

**MOTION:** To enter executive session for legal advice. Cleveland/Rickborn/approved.

**MOTION:** To exit executive session. Cleveland/Rickborn/approved.

**MOTION:** Grant license renewal and issue a non-disciplinary letter of caution. Cleveland/Chao/approved.

- e. Ayushi Tiwari appeared before the board for an application hearing. She was not represented by counsel. She did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

**MOTION:** To enter executive session for legal advice. Rickborn/Dingle/approved.

**MOTION:** To exit executive session. Chao/Rickborn/approved.

**MOTION:** To accept M.S. degree as one year of experience. Needs three years of experience after the M.S. degree. Dinkins/Fallon/approved. Rickborn opposed.

- f. James McKelvey, III appeared before the board for an application hearing. He was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

**MOTION:** To grant license. Cleveland/Kelly/approved.

#### **Unfinished Business**

- a. The Board reviewed the action items from the September 22, 2020 meeting. Members were reminded to email counsel any issues or changes needed in the regulations.
- b. Mr. Jennings will provide a draft Affidavit for Initial Complaints at the January 2021 meeting.
- c. Members reviewed the revisions to the Surveyor Education Guidelines.

**MOTION:** To accept revised guidelines. Rickborn/Kelly/approved.

#### **New Business**

- a. The Committee working on Forensic Affidavits met on October 22<sup>nd</sup> will provide a report to the full board during the January 2021 meeting.

- b. The Board will discuss the requirements for taking the Early PE exam at the January 2021 meeting.
- c. The Board discussed the NCEES 2021 Call for Awards Nominations. Nominations are due January 31, 2021.

**MOTION:** To nominate Tim Rickborn for the Distinguished Service Award. Chao/Dinkins/approved. Dr. Fallon volunteered to work on the nomination packet for submission to NCEES.

- d. The Board discussed the NCEES SZ Interim Meeting Funded Delegates. The meeting will be held in Asheville, NC, April 15-17, 2021. Staff received an email from SZ VP, Tim Lingerfelt, regarding an NCEES Board of Directors motion to limit zone meetings to two members from each board, due to restrictions on meeting gathering size. The Board would prefer a regular meeting format but realizes the need to be safe and cautious and will support limiting the meeting attendance if it is determined as the best course of action. Members Rickborn, Kelly, Baker and Chao are able to attend.
- e. The Board elected officers for calendar year 2021.

**MOTION:** To elect Peeples as chairman. Chao/Dinkins/approved.

**MOTION:** To elect Chao as vice chairman and Dingle as secretary. Peeples/Rickborn/approved.

**Other**

Mrs. Miles shared a State Specific exam candidate's issue with PSI and approved calculators. The Board determined that only NCEES approved calculators are accepted for the State Specific Surveying exam. The candidate should be allowed to retake the exam at no cost.

**Public Comments**

No public comments.

**Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, January 19, 2021 at 9:30 a.m. by videoconference.

**MOTION:** To adjourn. Dinkins/Kelly/approved.

The meeting adjourned at 6:00 p.m.

Respectfully Submitted,

Lenora Addison-Miles, CPM, MBA  
Administrator